

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OMARI TAHIR aka, JAMES C.  
GARRETT, individually and as Private  
Attorney General,  
  
Plaintiff,

v.

RONALD ENGLISH, individually and in  
his OFFICIAL CAPACITY as the General  
Counsel of SEATTLE PUBLIC SCHOOL  
DISTRICT NO. 1; LARRY DORSEY,  
Individually and in his Official Capacity as  
the PUBLIC SAFETY DIRECTOR of  
SEATTLE PUBLIC SCHOOL DISTRICT  
NO. 1; SEATTLE PUBLIC SCHOOL  
DISTRICT No. 1; DOES 1-250,  
  
Defendants.

No. 2:15-cv-01819-MJP

DEFENDANTS' ANSWER TO  
COMPLAINT AND AFFIRMATIVE  
DEFENSES

**DEMAND FOR JURY**

Defendants Ronald English, Seattle Public School District No. 1 and Larry Dorsey  
answer Plaintiffs' as follows:

UNLESS OTHERWISE SPECIFICALLY ADMITTED, DEFENDANTS' DENY  
EACH AND EVERY ALLEGATION IN PLAINTIFFS' COMPLAINT.

**I. JURISDICTION**

Defendants deny the allegations contained in paragraph 1 of Plaintiffs' Complaint.

DEFENDANTS' ANSWER TO COMPLAINT AND  
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1043-00016/222349

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800 FIFTH AVENUE, SUITE 4141  
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PHONE: (206) 623-8861  
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## II. PARTIES

2.1 Defendants' are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 2.1 of Plaintiffs' Complaint and therefore deny the same. Defendants deny the second sentence of paragraph 2.1 of Plaintiffs' Complaint.

2.4 Defendants' admit that Defendant English resides in the District, was General Counsel, and acted within the course and scope of his employment. Defendants deny all remaining allegations in paragraph 2.4.

2.5 Defendants' admit that Defendant Dorsey resides in the District, was Public Safety Director, and acted within the course and scope of his employment. Defendants deny all remaining allegations in paragraph 2.5.

2.6 Defendants admit that Seattle Public School District No. 1 is a municipal corporation operating under Washington law, and deny all remaining allegations contained in paragraph 2.6.

2.7 Defendants deny all allegations contained in paragraph 2.7 of Plaintiffs' Complaint.

2.8 Defendants deny all allegations contained in paragraph 2.8 of Plaintiffs' Complaint.

2.9 Defendants deny all allegations contained in paragraph 2.9 of Plaintiffs' Complaint.

## III. FACTS

3.1 Defendants' are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3.1 of Plaintiffs' Complaint and therefore deny the same.

3.2 Defendants deny all allegations contained in paragraph 3.2 of Plaintiffs' Complaint.

3.3 Defendants' are without knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in paragraph 3.3 of Plaintiffs' Complaint and  
2 therefore deny the same.

3 3.4 Defendants' are without knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in paragraph 3.4 of Plaintiffs' Complaint and  
5 therefore deny the same.

6 3.5 Defendants' are without knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in paragraph 3.5 of Plaintiffs' Complaint and  
8 therefore deny the same.

9 3.6 Defendants' are without knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in paragraph 3.6 of Plaintiffs' Complaint and  
11 therefore deny the same.

12 3.7 Defendants deny all allegations contained in paragraph 3.7 of Plaintiffs'  
13 Complaint.

14 3.8 Defendants deny all allegations contained in paragraph 3.8 of Plaintiffs'  
15 Complaint.

16 3.9 Defendants deny all allegations contained in paragraph 3.9 of Plaintiffs'  
17 Complaint.

18 3.10 Defendants deny all allegations contained in paragraph 3.10 of Plaintiffs'  
19 Complaint.

20 3.11 Defendants deny all allegations contained in paragraph 3.11 of Plaintiffs'  
21 Complaint.

22 3.12 Defendants deny all allegations contained in paragraph 3.12 of Plaintiffs'  
23 Complaint.

24 3.13 Defendants deny all allegations contained in paragraph 3.13 of Plaintiffs'  
25 Complaint.

26 3.14 Defendants deny all allegations contained in paragraph 3.14 of Plaintiffs'

27  
DEFENDANTS' ANSWER TO COMPLAINT AND  
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1 Complaint.

2 3.15 Defendants deny all allegations contained in paragraph 3.15 of Plaintiffs'  
3 Complaint.

4 3.16 Defendants deny all allegations contained in paragraph 3.16 of Plaintiffs'  
5 Complaint.

6 3.17 Defendants deny all allegations contained in paragraph 3.17 of Plaintiffs'  
7 Complaint.

8 3.18 Defendants deny all allegations contained in paragraph 3.18 of Plaintiffs'  
9 Complaint.

10 3.19 Defendants deny all allegations contained in paragraph 3.19 of Plaintiffs'  
11 Complaint.

12 3.20 Defendants deny all allegations contained in paragraph 3.20 of Plaintiffs'  
13 Complaint.

14 3.21 Defendants deny all allegations contained in paragraph 3.21 of Plaintiffs'  
15 Complaint.

16 3.22 Defendants deny all allegations contained in paragraph 3.22 of Plaintiffs'  
17 Complaint.

18 3.23 Defendants' are without knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in paragraph 3.23 of Plaintiffs' Complaint and  
20 therefore deny the same.

21 3.24 Defendants deny all allegations contained in paragraph 3.24 of Plaintiffs'  
22 Complaint.

23 3.25 Defendants deny all allegations contained in paragraph 3.25 of Plaintiffs'  
24 Complaint.

25 3.26 Defendants admit the hearing was held on December 12, 2013 at the School  
26 District Headquarters, that Larry Dorsey was the hearing officer, and that he was not a

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DEFENDANTS' ANSWER TO COMPLAINT AND  
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1 lawyer or justice of the peace. Defendants deny all other allegations in paragraph 3.26.

2 3.27 Defendants deny all allegations contained in paragraph 3.27 of Plaintiffs'  
3 Complaint.

4 3.28 Defendants' are without knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in paragraph 3.28 of Plaintiffs' Complaint and  
6 therefore deny the same.

7 3.29 Defendants deny all allegations contained in paragraph 3.29 of Plaintiffs'  
8 Complaint.

9 3.30 Defendants deny all allegations contained in paragraph 3.30 of Plaintiffs'  
10 Complaint.

11 3.31 Defendants' are without knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in paragraph 3.31 of Plaintiffs' Complaint and  
13 therefore deny the same.

14 3.32 Defendants' are without knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in paragraph 3.32 of Plaintiffs' Complaint and  
16 therefore deny the same.

17 3.33 Defendants' are without knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in paragraph 3.33 of Plaintiffs' Complaint and  
19 therefore deny the same.

20 3.34 Defendants deny all allegations contained in paragraph 3.34 of Plaintiffs'  
21 Complaint.

22 3.35 Defendants deny all allegations contained in paragraph 3.35 of Plaintiffs'  
23 Complaint.

24 3.36 Defendants admit that Defendant Dorsey upheld the Trespass and Exclusion  
25 Notices in a letter dated December 18, 2013. Defendants deny all other allegations in  
26 paragraph 3.36.

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DEFENDANTS' ANSWER TO COMPLAINT AND  
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1           3.37 Defendants deny all allegations contained in paragraph 3.37 of Plaintiffs'  
2 Complaint.

3           3.38 Defendants deny all allegations contained in paragraph 3.38 of Plaintiffs'  
4 Complaint.

5           3.39 Defendants deny all allegations contained in paragraph 3.39 of Plaintiffs'  
6 Complaint.

7           3.40 Defendants' are without knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in paragraph 3.40 of Plaintiffs' Complaint and  
9 therefore deny the same.

10          3.41 Defendants' are without knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in paragraph 3.41 of Plaintiffs' Complaint and  
12 therefore deny the same.

13          3.42 Defendants deny all allegations contained in paragraph 3.42 of Plaintiffs'  
14 Complaint.

15          3.43 Defendants deny all allegations contained in paragraph 3.43 of Plaintiffs'  
16 Complaint.

17          3.44 Defendants deny all allegations contained in paragraph 3.44 of Plaintiffs'  
18 Complaint.

19          3.45 Defendants deny all allegations contained in paragraph 3.45 of Plaintiffs'  
20 Complaint.

21          3.46 Defendants deny all allegations contained in paragraph 3.46 of Plaintiffs'  
22 Complaint.

23          3.47 Defendants deny all allegations contained in paragraph 3.47 of Plaintiffs'  
24 Complaint.

25          3.48 Defendants deny all allegations contained in paragraph 3.48 of Plaintiffs'  
26 Complaint.

1 3.49 Defendants deny all allegations contained in paragraph 3.49 of Plaintiffs'  
2 Complaint.

3 3.50 Defendants deny all allegations contained in paragraph 3.50 of Plaintiffs'  
4 Complaint.

5 **IV. STATEMENT OF DAMAGES**

6 4.1 Defendants deny all allegations contained in paragraph 4.1 of Plaintiffs'  
7 Complaint.

8 4.2 Defendants deny all allegations contained in paragraph 4.2 of Plaintiffs'  
9 Complaint.

10 4.3 Defendants deny all allegations contained in paragraph 4.3 of Plaintiffs'  
11 Complaint.

12 4.4 Defendants deny all allegations contained in paragraph "3.4" [sic] of  
13 Plaintiffs' Complaint.

14 4.5 Defendants deny all allegations contained in paragraph 4.5 of Plaintiffs'  
15 Complaint.

16  
17 **V. CAUSES OF ACTION – COUNT ONE – VIOLATION OF CIVIL RIGHTS**  
18 **(TITLE 42 U.S.C. SECTION 1983)**  
19 **(AS TO ALL INDIVIDUAL DEFENDANTS AND DOES 1-100)**

20 5.1 Defendants deny all allegations contained in paragraph 5.1 of Plaintiffs'  
21 Complaint.

22 5.2 Defendants deny all allegations contained in paragraph 5.2 of Plaintiffs'  
23 Complaint.

24 5.3 Defendants deny all allegations contained in paragraph 5.3 of Plaintiffs'  
25 Complaint.

26 5.4 Defendants deny all allegations contained in paragraph 5.4 of Plaintiffs'  
27 Complaint.

28 5.5 Defendants deny all allegations contained in paragraph 5.5 of Plaintiffs'

DEFENDANTS' ANSWER TO COMPLAINT AND  
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1 Complaint.

2 5.6 Defendants deny all allegations contained in paragraph 5.6 of Plaintiffs'  
3 Complaint.

4 **COUNT TWO – VIOLATION OF CIVIL RIGHTS**  
5 **(TITLE 42 U.S.C. SECTION 1983) (AS TO DEFENDANTS SEATTLE SCHOOL**  
6 **DISTRICT NO. 1, ENGLISH, DORSEY AND DOES 101-250)**

7 5.7 Defendants deny all allegations contained in paragraph 5.7 of Plaintiffs'  
8 Complaint.

9 5.8 Defendants admit the Seattle School District employed both Mr. English and  
10 Mr. Dorsey. Defendants deny all other allegations in paragraph 5.8.

11 5.9 Defendants deny all allegations contained in paragraph 5.9 of Plaintiffs'  
12 Complaint.

13 5.10 Defendants deny all allegations contained in paragraph 5.10 of Plaintiffs'  
14 Complaint.

15 5.11 Defendants deny all allegations contained in paragraph 5.11 of Plaintiffs'  
16 Complaint.

17 5.12 Defendants deny all allegations contained in paragraph 5.12 of Plaintiffs'  
18 Complaint.

19 5.13 Defendants deny all allegations contained in paragraph 5.13 of Plaintiffs'  
20 Complaint.

21 **COUNT THREE – FALSE ARREST**  
22 **(AS TO ALL DEFENDANTS)**

23 5.14 Defendants deny all allegations contained in paragraph 5.14 of Plaintiffs'  
24 Complaint.

25 5.15 Defendants deny all allegations contained in paragraph 5.15 of Plaintiffs'  
26 Complaint.

27 5.16 Defendants deny all allegations contained in paragraph 5.16 of Plaintiffs'  
Complaint.

DEFENDANTS' ANSWER TO COMPLAINT AND  
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1           5.17 Defendants deny all allegations contained in paragraph 5.17 of Plaintiffs'  
2 Complaint.

3           5.18 Defendants deny all allegations contained in paragraph 5.18 of Plaintiffs'  
4 Complaint.

5                           **COUNT FOUR – FALSE IMPRISONMENT**  
6                           **(AS TO ALL DEFENDANTS)**

7           5.19 Defendants deny all allegations contained in paragraph 5.19 of Plaintiffs'  
8 Complaint.

9           5.20 Defendants deny all allegations contained in paragraph 5.20 of Plaintiffs'  
10 Complaint.

11           5.21 Defendants deny all allegations contained in paragraph 5.21 of Plaintiffs'  
12 Complaint.

13           5.22 Defendants deny all allegations contained in paragraph 5.22 of Plaintiffs'  
14 Complaint.

15           5.23 Defendants deny all allegations contained in paragraph 5.23 of Plaintiffs'  
16 Complaint.

17           5.24 Defendants deny all allegations contained in paragraph 5.24 of Plaintiffs'  
18 Complaint.

19                           **COUNT FIVE – BATTERY AND ASSAULT**  
20                           **(AS TO ALL DEFENDANTS)**

21           5.25 Defendants deny all allegations contained in paragraph 5.25 of Plaintiffs'  
22 Complaint.

23           5.26 Defendants deny all allegations contained in paragraph 5.26 of Plaintiffs'  
24 Complaint.

25           5.27 Defendants deny all allegations contained in paragraph 5.27 of Plaintiffs'  
26 Complaint.

27           5.28 Defendants deny all allegations contained in paragraph 5.28 of Plaintiffs'

1 Complaint.

2 5.29 Defendants deny all allegations contained in paragraph 5.29 of Plaintiffs'

3 Complaint.

4 **COUNT SIX – ABUSE OF PROCESS**  
5 **(AS TO ALL DEFENDANTS)**

6 5.30 Defendants deny all allegations contained in paragraph 5.30 of Plaintiffs'

7 Complaint.

8 5.31 Defendants deny all allegations contained in paragraph 5.31 of Plaintiffs'

9 Complaint.

10 5.32 Defendants deny all allegations contained in paragraph 5.32 of Plaintiffs'

11 Complaint.

12 5.33 Defendants deny all allegations contained in paragraph 5.33 of Plaintiffs'

13 Complaint.

14 5.34 Defendants deny all allegations contained in paragraph 5.34 of Plaintiffs'

15 Complaint.

16 5.35 Defendants deny all allegations contained in paragraph 5.35 of Plaintiffs'

17 Complaint.

18 **COUNT SEVEN – WRONGFUL FORCIBLE EVICTION/DETAINDER**  
19 **(AS TO ALL DEFENDANTS)**

20 5.36 Defendants deny all allegations contained in paragraph 5.36 of Plaintiffs'

21 Complaint.

22 5.37 Defendants deny all allegations contained in paragraph 5.37 of Plaintiffs'

23 Complaint.

24 5.38 Defendants deny all allegations contained in paragraph 5.38 of Plaintiffs'

25 Complaint.

26 5.39 Defendants deny all allegations contained in paragraph 5.39 of Plaintiffs'

27 Complaint.

DEFENDANTS' ANSWER TO COMPLAINT AND  
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1           5.40 Defendants deny all allegations contained in paragraph 5.40 of Plaintiffs'  
2 Complaint.

3           **COUNT EIGHT – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
4           **(AS TO ALL DEFENDANTS)**

5           5.41 Defendants deny all allegations contained in paragraph 5.41 of Plaintiffs'  
6 Complaint.

7           5.42 Defendants deny all allegations contained in paragraph 5.42 of Plaintiffs'  
8 Complaint.

9           5.43 Defendants deny all allegations contained in paragraph 5.43 of Plaintiffs'  
10 Complaint.

11           5.44 Defendants deny all allegations contained in paragraph 5.44 of Plaintiffs'  
12 Complaint.

13           **COUNT NINE – NEGLIGENCE**  
14           **(AS TO ALL DEFENDANTS)**

15           5.45 Defendants deny all allegations contained in paragraph 5.45 of Plaintiffs'  
16 Complaint.

17           5.46 Defendants deny all allegations contained in paragraph 5.46 of Plaintiffs'  
18 Complaint.

19           5.47 Defendants deny all allegations contained in paragraph 5.47 of Plaintiffs'  
20 Complaint.

21           **AFFIRMATIVE DEFENSES**

22           BY WAY OF FURTHER ANSWER AND FIRST AFFIRMATIVE DEFENSE,  
23 Defendants contend that Plaintiff's recovery is barred or must be segregated by his  
24 intentional, criminal, and/or willful and wanton acts.

25           BY WAY OF FURTHER ANSWER AND SECOND AFFIRMATIVE DEFENSE,  
26 Defendants contend that Plaintiff's recovery, if any, must be reduced by his own fault.

27           DEFENDANTS' ANSWER TO COMPLAINT AND  
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1 BY WAY OF FURTHER ANSWER AND THIRD AFFIRMATIVE DEFENSE, the  
2 individual Defendants contend that Plaintiff's recovery is barred by the doctrine of qualified  
3 immunity.

4 BY WAY OF FURTHER ANSWER AND FOURTH AFFIRMATIVE DEFENSE,  
5 Defendants contends that Plaintiff's suit is barred by the independent determination of  
6 probable cause by the City of Seattle and its employees, which broke the chain of causation  
7 and acted as an intervening and superseding cause.

8 BY WAY OF FURTHER ANSWER AND FIFTH AFFIRMATIVE DEFENSE,  
9 Defendants contend that Plaintiffs' recovery, if any, must be reduced by the acts of third  
10 parties over whom these Defendants had no control, including but not limited to the City of  
11 Seattle and its involved employees.

12 BY WAY OF FURTHER ANSWER AND SIXTH AFFIRMATIVE DEFENSE,  
13 Defendants contend that Plaintiffs' recovery is barred by the doctrines of collateral estoppel  
14 and/or res judicata.

15 BY WAY OF FURTHER ANSWER AND SEVENTH AFFIRMATIVE  
16 DEFENSE, Defendants contend that Plaintiffs' recovery is barred by the doctrines of  
17 assumption of risk, and/or consent.

18 BY WAY OF FURTHER ANSWER AND EIGHTH AFFIRMATIVE DEFENSE,  
19 Defendants contend that Plaintiffs' recovery is barred by the doctrine of privilege.

20 BY WAY OF FURTHER ANSWER AND NINTH AFFIRMATIVE DEFENSE,  
21 Defendants contend that Plaintiffs' claims are barred by his failure to exhaust  
22 administrative remedies.

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**PRAYER FOR RELIEF**

WHEREFORE, Defendant RONALD ENGLISH, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE GENERAL COUNSEL OF SEATTLE PUBLIC SCHOOL DISTRICT NO. 1; LARRY DORSEY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE PUBLIC SAFETY DIRECTOR OF SEATTLE PUBLIC SCHOOL DISTRICT NO. 1; SEATTLE PUBLIC SCHOOL DISTRICT NO. 1; pray for the following relief:

1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiff take nothing by his complaint;

2. That Defendants be allowed their statutory costs and reasonable attorney fees incurred herein pursuant to Fed.R.Civ.P. 11, 28 USC §1927; Wash.Rev.Code §4.84.185, and the court's inherent authority; and,

3. For such additional relief the Court may deem just and equitable.

**JURY TRIAL DEMANDED**

Pursuant to Fed. R. Civ. P. §38, Defendants respectfully demand a jury of six or more persons.

DATED this 20<sup>th</sup> day of April, 2016.

1  
2 KEATING, BUCKLIN & McCORMACK,  
3 INC., P.S.

4 By: /s/ Stewart A. Estes  
5 Stewart A. Estes, WSBA #15535  
6 Attorneys for Defendants Dorsey, English and  
7 Seattle Public School District

8 800 Fifth Avenue, Suite 4141  
9 Seattle, WA 98104-3175  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that I have served a true and correct copy via U.S. mail to the following non-CM/ECF Plaintiff, Pro Se:

**Attorneys for Plaintiff, Pro Se**

Mr. Omari Tahir aka James C. Garrett  
Private Attorney General  
P.O. Box 22328  
Seattle, WA 98122  
Email:

DATED: April 20, 2016

/s/ Stewart A. Estes

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